

REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claims 16 and 20 have been amended to better define the subject matter Applicants regard as their invention. Support for the amendments to claims 16 and 20 is provided at least in the specification on page 8, line 4, through page 9, line 5. The present amendments could not be presented earlier due to the unforeseeability of the mis-characterization of the claimed subject matter in the present office action.

Claims 16, 19, and 20 were rejected, under 35 USC §102(b), as being anticipated by Sawai et al. (US 5,802,471). Claims 17 and 18 were rejected, under 35 USC §103(a), as being unpatentable over Sawai. Applicants respectfully traverse these rejections.

Claim 16 now recites:

A communication terminal apparatus for transmitting and receiving a communication signal, the communication terminal apparatus comprising:

a first modulator/demodulator that modulates/demodulates a voice communication signal;

a second modulator/demodulator that modulates/demodulates a data communication signal;

an input/output terminal that connects to an external apparatus;

a receiver that receives a control signal that notifies a communication type of the communication signal as a voice communication or a data communication from a base station apparatus;

a communication type determiner that determines the communication type of the communication signal

based on: (1) whether or not the external apparatus is connected to said input/output terminal, when the communication terminal apparatus is to transmit the communication signal to the base station apparatus and (2) the received control signal, when the communication terminal apparatus is to receive the communication signal from the base station apparatus; and a changeover controller that alternately selects (i) said first modulator/demodulator and (ii) said second modulator/demodulator to modulate/demodulate the communication signal based on the determined communication type.

Sawai fails to disclose the features recited in claim 16 of determining a communication type of a communication signal based on whether or not an external apparatus is connected to an input/output terminal of a communication terminal or doing so when the communication terminal apparatus is to transmit the communication signal to a base station apparatus.

With the claimed invention, an advantage is provided in that the user of a communication terminal apparatus need not identify a communication as either voice or data communication. Instead, the communication type is automatically identified and an appropriate modulator/demodulator may be selected for transmitting/receiving the communicated signal over an appropriate radio channel.

By contrast to the above-noted subject matter defined by claim 16, Sawai discloses a mobile communication system in which a call signal, containing data indicative of a communication type

of the terminal at the other end, is communicated to a mobile station (Sawai col. 2, lines 37-43). Based on the communication type identified by the data in the call signal, a control unit selects which modulator and demodulator should be used to support the communication with the other end terminal (col. 2, lines 44-54).

As an alternative to using the call signal to identify which modulator and demodulator should be used, Sawai discloses that a user may manually operate a switch to select the modulator and demodulator (col. 3, lines 52-57). Sawai discloses similar features in the other portions of the disclosure cited in the Office Action.

However, nowhere does Sawai disclose the feature recited in claim 16 of determining a communication type of a communication signal based on whether or not an external apparatus is connected to an input/output terminal of a communication terminal or doing so when the communication terminal apparatus is to transmit the communication signal. Moreover, the Office Action does not propose that Sawai does disclose these features. Instead, the Office Action merely proposes that Sawai discloses: (1) determining a communication type of a communication signal when transmitting or receiving and (2) receiving a control signal for identifying the communication type as either voice or data

(Office Action page 2, penultimate paragraph). These two proposed features are not similar, much less identical, to the claimed feature of determining a communication type of a communication signal based on whether or not an external apparatus is connected to an input/output terminal of a communication terminal. Since the Office Action does not propose that Sawai discloses all of the features recited in claim 16, a *prima facie* case of anticipation has not been established.

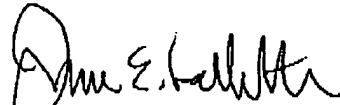
In accordance with the above discussion, Applicants submit that Sawai does not anticipate the subject matter defined by claim 16 and that a *prima facie* case of anticipation has not been established for the rejection of this claim. Therefore, allowance of claim 16 and all claims dependent therefrom is warranted.

Claim 20 similarly recites the features distinguishing claim 16 from Sawai, but with respect to a method. For similar reasons that these features distinguish claim 16 from Sawai, so too do they distinguish claim 20. Therefore, allowance of claim 20 is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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JEL/DWW/att

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